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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,438	11/19/2003	Rajnish Jain	104195-0010	6996
24267	7590	08/30/2007	EXAMINER	
CESARI AND MCKENNA, LLP			HSU, ALPUS	
88 BLACK FALCON AVENUE			ART UNIT	
BOSTON, MA 02210			PAPER NUMBER	
			2616	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,438

Applicant(s)

JAIN ET AL.

Examiner

Alpus H. Hsu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 30-49 is/are rejected.
- 7) ☒ Claim(s) 21-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 16, 18 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 16, 18 and 46, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-7, 12, 30, 32-36, 41 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by ARDON et al. in U.S. Patent No. 5,105,420, hereinafter referred to as ARDON.

Referring to claims 1, 3-7 and 12, by broadly interpreting the distributed switching units as the claimed switching models, ARDON discloses a method for controlling calls in a telecommunication system by: defining a first switching model in which call control signaling and media switching are effectively coupled; defining a second switching model in which call control signaling and media switching are effectively decoupled; and at the initiation of a call or during the progress of the call assigning one of said first and second switching models to said call (see col. 11, line 6 to col. 12, line 15, col. 13, line 51 to col. 14, line 20).

Claim 49 is rejected for the same reasoning as in claim 1, except in apparatus claim format.

Referring to claims 30, 32-36 and 41, ARDON discloses a telecommunication system comprising: switching hardware (11-13, 20 and 25) having circuitry for operating under a first switching model (11) in which call control signaling and media switching are effectively coupled, and a second switching model (12) in which call control signaling and media switching are effectively de-coupled; and a processor (26) to assign one of said first and second switching models to said call at the initiation of a call or during the progress of the call (see col. 11, line 6 to col. 12, line 15, col. 13, line 51 to col. 14, line 20, Figures 6 and 8).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 8-11, 13, 14, 31, 37-40, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARDON in view of ANVEKAR et al. in Pub. No. US 2004/0088186 A1, hereinafter referred to as ANVEKAR.

Referring to claims 2, 8-11, 13 and 14, ARDON differs from the claims, in that, it does not disclose the feature of telecommunication system being a converged services platform (CSP), and the features of providing media server for allocating media resources, and establishing early media path for playing a recorded announcement, which are well known features in the art and commonly used in telecommunications field.

ANVEKAR, for example, from the similar field of endeavor, teaches a specific converged services platform (CSP), for providing media server for allocating media resources, and establishing early media path for playing a recorded announcement (see paragraphs [0028] to [0029], [0037] to [0048]), which can be easily adopted by one of ordinary skill in the art into the method in ARDON to provide system with multimedia operation environment to further improve the system capability.

Claims 31, 37-40, 42 and 43 are rejected for the same reasoning as in claims 2, 8-11, 13 and 14, except in apparatus claim format.

7. Claims 15-20, 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARDON in view of GAVISH et al. in Pub. No. US 2004/0047342 A1, hereinafter referred to as GAVISH.

Referring to claims 15-20, 44-48, ARDON differs from the claims, in that, it does not disclose the feature of transitioning/augmenting between 2-way voice path and 2-way data path, and the feature of telecommunication system being an interactive voice response (IVR) system providing a prepaid calling service, which are also well known features in the art and commonly used in telecommunications field.

GAVISH, for example, from the similar field of endeavor, teaches a specific interactive voice response (IVR) system providing a prepaid calling service, and transitioning/augmenting between 2-way voice path and 2-way data path (see paragraphs [0026], [0070], [0075] to [0080], and [0086]), which can be easily adopted by one of ordinary skill in the art into the method in ARDON to provide system with multimedia/audio conferencing environment to further improve the system capability.

Claims 44-48 are rejected for the same reasoning as in claims 15-20, except in apparatus claim format.

8. Claims 21-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ardon '746 & '434 are cited to show the feature of telecommunications network, providing a switch controller for switching among a plurality of switching models similar to the claimed invention.

Albers et al. '887 & '633, and Khan et al. are cited to show telecommunication system being a converged service platform (CSP) and/or interactive voice response (IVR) system similar to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
Art Unit 2616